

ESHB 1741 - S COMM AMD

By Committee on Government Operations & Elections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Washington has developed an impressive oral
4 history program of recording and documenting the recollections of
5 public officials and citizens who have contributed to the rich
6 political history surrounding the legislature. Schools, museums,
7 historians, state agencies, and interested citizens have benefited from
8 the availability of these educational materials. The purpose of this
9 act is to enhance this resource by reinforcing the decision-making role
10 of the legislature.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW
12 to read as follows:

13 This chapter does not prohibit the secretary of the senate, the
14 chief clerk of the house of representatives, or their designee from
15 soliciting and accepting contributions to the legislative oral history
16 account created in section 9 of this act.

17 **Sec. 3.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read
18 as follows:

19 The oral history, state library, and archives account is created in
20 the custody of the state treasurer. All moneys received under RCW
21 43.07.370 must be deposited in the account. Expenditures from the
22 account may be made only for the purposes of the (~~oral history program~~
23 ~~under RCW 43.07.220,~~) archives program under RCW 40.14.020, (~~and~~)
24 the state library program under chapter 27.04 RCW, and for conducting
25 oral histories under section 11 of this act. Only the secretary of
26 state or the secretary of state's designee may authorize expenditures
27 from the account. An appropriation is not required for expenditures,

1 but the account is subject to allotment procedures under chapter 43.88
2 RCW.

3 **Sec. 4.** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read
4 as follows:

5 (1) The secretary of ((state)) the senate and the chief clerk of
6 the house of representatives, at the direction of the oral history
7 advisory committee, shall administer and conduct a program to record
8 and document oral histories of current and former members and staff of
9 the Washington state legislature, ~~((current and former state government~~
10 ~~officials and personnel,))~~ and other citizens who have participated in
11 the political history of the Washington state legislature. The
12 secretary of ~~((state shall))~~ the senate and the chief clerk of the
13 house of representatives may contract with independent oral historians
14 ~~((and through))~~ or the history departments of the state universities to
15 interview and record oral histories. The ~~((tapes and tape~~
16 ~~transcripts))~~ manuscripts and publications shall be ~~((indexed and))~~
17 made available for research and reference through the state archives.
18 The ~~((transcripts))~~ manuscripts, together with current and historical
19 photographs, may be published for distribution to libraries and ~~((for~~
20 ~~sale to))~~ the general public, and posted on the legislative oral
21 history web site.

22 (2) The oral history of a person who occupied positions, or was
23 staff to a person who occupied positions, in more than one branch of
24 government, shall be conducted by the entity authorized to conduct oral
25 histories of persons in the position last held by the person who is the
26 subject of the oral history. However, the person being interviewed may
27 select the entity he or she wishes to prepare his or her oral history.

28 **Sec. 5.** RCW 43.07.230 and 1991 c 237 s 2 are each amended to read
29 as follows:

30 An oral history advisory committee is created, which shall consist
31 of the following individuals:

32 (1) Four members of the house of representatives, two from each of
33 the two largest caucuses of the house, appointed by the speaker of the
34 house of representatives;

35 (2) Four members of the senate, two from each of the two largest
36 caucuses of the senate, appointed by the president of the senate;

1 (3) The chief clerk of the house of representatives;

2 (4) The secretary of the senate; and

3 (5) The secretary of state.

4 Ex officio members may be appointed by a majority vote of the
5 committee's members. The chair of the committee shall be elected by a
6 majority vote of the committee members.

7 **Sec. 6.** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read
8 as follows:

9 The oral history advisory committee shall have the following
10 responsibilities:

11 (1) To select appropriate oral history interview candidates and
12 subjects;

13 (2) To select transcripts or portions of transcripts, and related
14 historical material, for publication;

15 (3) To advise the secretary of state, the secretary of the senate,
16 and the chief clerk of the house of representatives on the format and
17 length of individual interview series and on appropriate issues and
18 subjects for related series of interviews;

19 (4) To advise the secretary of state, the secretary of the senate,
20 and the chief clerk of the house of representatives on the appropriate
21 subjects, format, and length of interviews and on the process for
22 conducting oral history interviews (~~with subjects currently serving in~~
23 ~~the Washington state legislature~~));

24 (5) To advise the secretary of ((state)) the senate and the chief
25 clerk of the house of representatives on joint programs and activities
26 with state universities, colleges, museums, and other groups conducting
27 oral histories; and

28 (6) To advise the secretary of ((state)) the senate and the chief
29 clerk of the house of representatives on other aspects of the
30 administration of the oral history program and on the conduct of
31 individual interview projects.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.04 RCW
33 to read as follows:

34 The secretary of the senate and the chief clerk of the house of
35 representatives may fund oral history activities through donations as
36 provided in section 8 of this act. The activities may include, but not

1 be limited to, conducting interviews, preparing and indexing
2 transcripts, publishing transcripts and photographs, and presenting
3 displays and programs. Donations that do not meet the criteria of the
4 legislative oral history program may not be accepted. The secretary of
5 the senate and the chief clerk of the house of representatives shall
6 adopt joint rules necessary to implement this section.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 44.04 RCW
8 to read as follows:

9 (1) The secretary of the senate and the chief clerk of the house of
10 representatives may solicit and accept gifts, grants, conveyances,
11 bequests, and devises of real or personal property, or both, in trust
12 or otherwise, and sell, lease, exchange, invest, or expend these
13 donations or the proceeds, rents, profits, and income from the
14 donations except as limited by the donor's terms.

15 (2) Moneys received under this section may be used only for
16 conducting oral histories.

17 (3) Moneys received under this section must be deposited in the
18 legislative oral history account established in section 9 of this act.

19 (4) The secretary of the senate and the chief clerk of the house of
20 representatives shall adopt joint rules to govern and protect the
21 receipt and expenditure of the proceeds.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 44.04 RCW
23 to read as follows:

24 The legislative oral history account is created in the custody of
25 the state treasurer. All moneys received under section 8 of this act
26 must be deposited in the account. Expenditures from the account may be
27 made only for the purposes of the legislative oral history program
28 under RCW 43.07.220 (as recodified by this act). Only the secretary of
29 the senate or the chief clerk of the house of representatives or their
30 designee may authorize expenditures from the account. An appropriation
31 is not required for expenditures, but the account is subject to
32 allotment procedures under chapter 43.88 RCW.

33 NEW SECTION. **Sec. 10.** (1) All powers, duties, and functions of
34 the secretary of state pertaining to the oral history program are
35 transferred to the secretary of the senate and the chief clerk of the

1 house of representatives. All references to the secretary of state or
2 the office of the secretary of state in the Revised Code of Washington
3 shall be construed to mean the secretary of the senate and the chief
4 clerk of the house of representatives when referring to the functions
5 transferred in this section.

6 (2)(a) All reports, documents, surveys, books, records, files,
7 papers, or written material in the possession of the secretary of state
8 pertaining to the powers, functions, and duties transferred shall be
9 delivered to the custody of the secretary of the senate and the chief
10 clerk of the house of representatives. All cabinets, furniture, office
11 equipment, motor vehicles, and other tangible property employed by the
12 secretary of state in carrying out the powers, functions, and duties
13 transferred shall be made available to the secretary of the senate and
14 the chief clerk of the house of representatives. All funds, credits,
15 or other assets held in connection with the powers, functions, and
16 duties transferred shall be assigned to the secretary of the senate and
17 the chief clerk of the house of representatives.

18 (b) Any appropriations made to the secretary of state for carrying
19 out the powers, functions, and duties transferred shall, on the
20 effective date of this section, be transferred and credited to the
21 Secretary of the senate and the chief clerk of the house of
22 representatives.

23 (c) Whenever any question arises as to the transfer of any
24 personnel, funds, books, documents, records, papers, files, equipment,
25 or other tangible property used or held in the exercise of the powers
26 and the performance of the duties and functions transferred, the
27 director of financial management shall make a determination as to the
28 proper allocation and certify the same to the state agencies concerned.

29 (3) All employees of the secretary of state engaged in performing
30 the powers, functions, and duties transferred are transferred to the
31 jurisdiction of the secretary of the senate and the chief clerk of the
32 house of representatives. All employees classified under chapter 41.06
33 RCW, the state civil service law, are assigned to the secretary of the
34 senate and the chief clerk of the house of representatives to perform
35 their usual duties upon the same terms as formerly, without any loss of
36 rights, subject to any action that may be appropriate thereafter in
37 accordance with the laws and rules governing state civil service.

1 (4) All rules and all pending business before the secretary of
2 state pertaining to the powers, functions, and duties transferred shall
3 be continued and acted upon by the secretary of the senate and the
4 chief clerk of the house of representatives. All existing contracts
5 and obligations shall remain in full force and shall be performed by
6 the secretary of the senate and the chief clerk of the house of
7 representatives.

8 (5) The transfer of the powers, duties, functions, and personnel of
9 the secretary of state shall not affect the validity of any act
10 performed before the effective date of this section.

11 (6) If apportionments of budgeted funds are required because of the
12 transfers directed by this section, the director of financial
13 management shall certify the apportionments to the agencies affected,
14 the state auditor, and the state treasurer. Each of these shall make
15 the appropriate transfer and adjustments in funds and appropriation
16 accounts and equipment records in accordance with the certification.

17 (7) Nothing contained in this section may be construed to alter any
18 existing collective bargaining unit or the provisions of any existing
19 collective bargaining agreement until the agreement has expired or
20 until the bargaining unit has been modified by action of the public
21 employment relations commission as provided by law.

22 (8) The secretary of the senate and the chief clerk of the house of
23 representatives will determine location and staff reporting for the
24 program.

25 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.07 RCW
26 to read as follows:

27 (1) The secretary of state, in consultation with the oral history
28 advisory committee in RCW 43.07.230, may administer and conduct a
29 program to record and document oral histories of current and former
30 state government officials and personnel, and other citizens who have
31 participated in the political history of Washington state. The
32 secretary of state may contract with independent oral historians or the
33 history departments of the state universities to interview and record
34 oral histories. The manuscripts and publications shall be indexed and
35 made available for research and reference through the state archives.
36 The manuscripts, together with current and historical photographs, may

1 be published for distribution to libraries and the general public, and
2 posted on the secretary of state's web site.

3 (2) The oral history of a person who occupied positions, or was
4 staff to a person who occupied positions, in more than one branch of
5 government, shall be conducted by the entity authorized to conduct oral
6 histories of persons in the position last held by the person who is the
7 subject of the oral history. However, the person being interviewed may
8 select the entity he or she wishes to prepare his or her oral history.

9 **Sec. 12.** RCW 43.07.037 and 1996 c 253 s 105 are each amended to
10 read as follows:

11 The secretary of state (~~and the council~~) may accept gifts,
12 grants, conveyances, bequests, and devises, of real or personal
13 property, or both, in trust or otherwise, and sell, lease, exchange,
14 invest, or expend these donations or the proceeds, rents, profits, and
15 income from the donations except as limited by the donor's terms. The
16 secretary of state shall adopt rules to govern and protect the receipt
17 and expenditure of the proceeds.

18 NEW SECTION. **Sec. 13.** The following are each recodified as
19 sections in chapter 44.04 RCW:

- 20 RCW 43.07.220
- 21 RCW 43.07.230
- 22 RCW 43.07.240

23 NEW SECTION. **Sec. 14.** A new section is added to chapter 42.17 RCW
24 to read as follows:

25 The sponsor of a mailed political advertising must, within two
26 working days after the date of the mailing, file an example of the
27 mailed political advertising with the secretary of state for inclusion
28 with the state archives and records under chapter 40.14 RCW."

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1 On page 1, line 1 of the title, after "program;" strike the
2 remainder of the title and insert "amending RCW 43.07.380, 43.07.220,
3 43.07.230, 43.07.240, and 43.07.037; adding a new section to chapter
4 42.52 RCW; adding new sections to chapter 44.04 RCW; adding a new
5 section to chapter 43.07 RCW; adding a new section to chapter 42.17
6 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230,
7 and 43.07.240."

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